

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TED BALLEW,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:23-CV-01
)	
JANE DOE,)	
)	
Defendant.)	

MEMORANDUM ORDER

This action was received by the Clerk of Court on January 3, 2023. The matter was assigned and referred to Chief United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

In his complaint, Plaintiff alleges that an unidentified nurse at the Crawford County Prison, who he refers to as “Jane Doe,” failed to provide him with adequate medical care and treatment in violation of his Eighth Amendment rights. Through the discovery process, Plaintiff has been provided with his medical records. *See* ECF Nos. 30, 31.

By Order dated April 17, 2024, Plaintiff was directed to file an amended complaint identifying Jane Doe by May 17, 2024. The Order warned that Plaintiff’s failure to comply could result in dismissal of this action for failure to prosecute. ECF No. 32.

By Order dated June 3, 2024, Judge Lanzillo directed that Plaintiff show cause for his failure to file an amended complaint. Plaintiff was directed to show cause by June 17, 2024, or

risk dismissal of this action for failure to prosecute. ECF No. 34. To date, Plaintiff has failed to file an amended complaint identifying Jane Doe or show cause for his failure to do so.

On August 30, 2024, Chief Magistrate Judge Lanzillo issued a Report and Recommendation recommending that this case be dismissed due to Plaintiff's failure to prosecute it. ECF No. 35. Despite being afforded the opportunity to do so, Plaintiff has not filed objections to the Report and Recommendation.


Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Local Rule 72(D)(2). After *de novo* review of the complaint and all filings in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 18th day of September 2024;

IT IS ORDERED that this matter be dismissed due to Plaintiff's failure to prosecute it.

AND, IT IS FURTHER ORDERED that the report and recommendation of Chief Magistrate Judge Lanzillo, issued on August 30, 2024 [ECF No. 35] is adopted as the opinion of the court.

The Clerk is directed to close this case.


SUSAN PARADISE BAXTER
United States District Judge